

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTIAN A. MATHIS,

Plaintiff,

v.

Case No. 06-CV-13298-DT

CITY OF DETROIT, et al.,

Defendants.

OPINION AND ORDER AWARDING ATTORNEYS' FEES TO DEFENDANTS

On September 6, 2007, this court entered an opinion and order granting Defendants' motion to compel discovery. (See 9/6/07 Order.) The order also noted that Defendants were entitled to an award of attorneys' fees and costs incurred in preparing and filing their motion to compel.¹ (*Id.* at 3.)

On October 28, 2007, Defendants filed an affidavit of their attorney, John Schapka, seeking reimbursement for 2.75 hours of attorney time at \$98 per hour, for a total of \$269.50 in attorneys' fees. (See *generally* Schapka Aff.) Defendants do not seek any costs. (*Id.*)

The affidavit details Schapka's credentials and legal background and also attaches a time log of the hours spent preparing Defendants' motion to compel. (*Id.*) First, the court finds that the hourly rate charged by Defendants' counsel is reasonable. See *Auto Alliance Int'l v. U.S. Customs Serv.*, 155 F. App'x 226, 228 (6th Cir. 2005) (discussing reasonable attorneys' fees); *Lamar Adver. Co. v. Charter Twp. of Van*

¹Although Defendants did not comply with the deadline for filing a fee petition, the court will nevertheless, in the interest of justice, consider their untimely submission.

Buren, 178 F. App'x 498, 501-02 (6th Cir. 2006); *Darbyshire v. Garrison*, No. 04-CV-72272, 2006 WL 581032, at *3 (E.D. Mich. Mar. 8, 2006). Second, the court finds that the 2.75 hours claimed were reasonably expended. The hours are neither vaguely documented nor excessive, and were expended as a direct result of Plaintiff Christian Mathis's failure to timely respond to discovery requests. Accordingly,

IT IS ORDERED that Plaintiff make payment to Defendants in the amount of \$269.50 on or before **November 12, 2007**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 6, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 6, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522